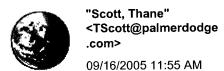
EXHIBIT 1



To: <afiotto@goodwinprocter.com>, <JChunias@goodwinprocter.com>, <rmccarthy@edwardsangell.com>, <mdubnow@edwardsangell.com>

cc: "Dowling, Ruth" <RDowling@palmerdodge.com>, "Bennett, John" <JBennett@palmerdodge.com>, "Allison, Melissa" <mallison@palmerdodge.com>

Subject: Scheduling

Tony and Rich,

Following up on our earlier conversation, we are amenable to the following arrangement. All parties will have through the month of October in which to complete depositions noticed by the end of September. Parties having the burden of proof will have until November 15th (the deadline currently stands at November 1) in which to provide expert reports. All other deadlines will remain unchanged. We agree to disagree as to the interpretation of the event limitation rules, and those rules will not be affected by the extension I've described.

| Please let me know if this is agreeable to you. | | | | | | | | |
|---|--|--|--|--|--|--|--|--|
| Thane | | | | | | | | |
| | | | | | | | | |

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"Fiotto, Anthony S" <afiotto@goodwinproc ter.com>

09/16/2005 04:15 PM

To: "Scott, Thane" <TScott@palmerdodge.com>

cc: <rmccarthy@ealaw.com>

Subject: RE: Scheduling

While I cannot accept this proposal because the rebuttal period, given the black hole of Thanksgiving week, is only 3 weeks, I would propose a compromise of moving Nov 1 date to Nov 7.

----Original Message----

From: Scott, Thane [mailto:TScott@palmerdodge.com]

Sent: Friday, September 16, 2005 11:55 AM

To: Fiotto, Anthony S; Chunias, Jennifer; rmccarthy@edwardsangell.com; mdubnow@edwardsangell.com

Cc: Dowling, Ruth; Bennett, John; Allison, Melissa

Subject: Scheduling

Tony and Rich,

Thane

Following up on our earlier conversation, we are amenable to the following arrangement. All parties will have through the month of October in which to complete depositions noticed by the end of September. Parties having the burden of proof will have until November 15th (the deadline currently stands at November 1) in which to provide expert reports. All other deadlines will remain unchanged. We agree to disagree as to the interpretation of the event limitation rules, and those rules will not be affected by the extension I've described.

Please let me know if this is agreeable to you.

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